

REMARKS

Request for Reconsideration

Applicant has carefully considered the matters raised by the Examiner in the outstanding Office Action but remains of the position that patentable subject matter is present.

Applicant respectfully requests reconsideration of the Examiner's position based on the above amendments to the claims, the attached Terminal Disclaimer, and the following remarks.

Claim Status

Claims 1-5, 7-10 and 12-20 are pending in this Application.

Claim 1, 18 and 20 have been amended to add the limitations of Claim 6 and Claim 6 has been canceled.

Claims 18 and 20 have further been amended herein to recite the wavelength of the light used to irradiate the hologram.

Respectfully, no new matter has been added by way of these amendments.

Rejection Under 35 USC 112

Claims 18-20 had been rejected under 35 USC 112 as being indefinite. Specifically, the Examiner suggested amending the claims to make it clear that the wavelength of light was 532 nm.

Such a suggestion is appreciated and has been adopted herein.

Double Patenting Rejection

Claims 1-4, 8-10 and 12-20 have been provisionally rejected on the grounds of non-statutory obviousness-type double patenting based on U.S. Application 11/201,815 in view of Korishima.

In order to respond to this Double Patenting rejection, a Terminal Disclaimer is submitted herewith. Respectfully, Applicants have overcome the Double Patenting rejection.

The government fee for the Terminal Disclaimer is being paid concurrently herewith.

Prior Art Rejection

The Examiner had put forward the following seven Prior Art rejections.

- (1) Claims 1-4, 6-10, 14, and 16-20 unpatentable over a combination of Korishima and Dhar '551;
- (2) Claims 1-4, 6-10, 14 and 16-20 unpatentable over a combination of Korishima, Dhar '551 and Chatterjee;
- (3) Claims 1-4, 6-10, 12, and 16-20 unpatentable over a combination of Korishima and Hegel;
- (4) Claims 1-10, and 16-20 unpatentable over a combination of Korishima and Dhar '104;
- (5) Claims 1-4, 6-10, 14, 16-20 unpatentable over a combination of Korishima, Dhar '551, Gottschalk, Adair and Chatterjee;
- (6) Claims 1-11, 12-14, 16-20 unpatentable over a combination of Korishima, Dhar '551, Gottschalk, Adair and Chatterjee;
- (7) Claims 1-4, 6-10, and 14-20 unpatentable over a combination of Korishima, Dhar '551, Gottschalk, Adair, Chatterjee and Horimai.

One of the unique aspects of the present Invention is that the specific binder, as recited in Claim 1, reacts with a crosslinking agent so as to fix the holographic recording.

Turning to the references, Korishima has been cited to teach the polymerizable compound (B) and the photo initiator (C). The secondary references of Dhar '551, Hegel '088 and Dhar '104 have been cited to teach the binder (A) and the crosslinking agent (D).

Claim 1 has been amended herein to better define the binder. It is submitted that there are too many changes/modifications that must be made to the Prior Art to arrive at the specific composition recited by the claims.

Korishima does not teach a photo initiator (C) that is activated at laser light of the recited wavelength.

Korishima does not recite the binder (A) with the specific reactive groups.

To merely pick and choose other photo initiators and other binders from the secondary references is not an obvious modification. This is not a simple art. The chemistry involved in the field of holographic recording medium is not one where one of skill in the art expects any initiator and any binder to work compatibly with any polymerizable compound and any cross linking agent. To be obvious, there must be some reason why one of skill in the art would substitute one for the other. Merely picking and choosing is not enough to arrive at a finding of obviousness.

Chatterjee has also been cited to teach the photo initiator(c). However, Chatterjee does not teach or suggest using his photo initiator system in the holographic recording medium as recited in Claim 1. Specifically, Chatterjee does not teach or suggest using a binder as now currently recited in Claim 1 in combination with the crosslinking agent. Thus, Chatterjee is silent on this aspect of the present Invention and it is respectfully submitted that the claims, as recited herein, define over Chatterjee.

It is respectfully submitted that the specific photo initiator recited in the claims, in combination with the specific binder as recited in Claim 1, is neither taught nor suggested in the references and, thus, the present Invention is patentable over the cited references taken alone or in combination.

In view of the foregoing, it is respectfully submitted that the claims submitted herein define over the references taken alone or in combination.

Conclusion

In view of the foregoing, it is respectfully submitted that the Application is in condition for allowance and such action is respectfully requested.

Should any additional fees or extensions of time be necessary in order to maintain this Application in pending condition, appropriate requests are hereby made and authorization is given to debit Account # 02-2275.

Respectfully submitted,

LUCAS & MERCANTI, LLP

By: Donald C. Lucas
Donald C. Lucas, 31,275
Attorney for Applicant(s)
475 Park Avenue South, 15th Floor
New York, NY 10016
Tel. # 212-661-8000

DCL/mr

Attached: Terminal Disclaimer